



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GARDERE / JHIF
GARDERE WYNNE SEWELL, LLP
1601 ELM STREET
SUITE 3000
DALLAS TX 75201

COPY MAILED
DEC 15 2008

In re Application of :
Naji et al. :
Application No. 10/090,561 : DECISION ON PETITION
Filed: March 4, 2002 :
Attorney Docket No. 131279-1019 :

This is a decision on the petition, filed July 8, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of November 1, 2007, which set a three (3) month shortened statutory period for reply. A reply was due on or before February 1, 2008.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on April 30, 2008 of, *inter alia*, RCE, IDS, terminal disclaimer, three month extension of time. MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." A certificate of mailing pursuant to 37 CFR 1.8 was also included.

A review of the record shows that the Office is in receipt of the above documents as well as an amendment.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 1793 for appropriate action in the normal course of business on the reply received with petition.

A handwritten signature in black ink, appearing to read "Charlema Grant", with a stylized flourish at the end.

Charlema Grant
Petitions Attorney
Office of Petitions